

it is designed to bring the fees into the treasury, the result will be that you will pay the salary out, and will get no fees in return. If the fees are too large, lessen them. I would here remark that, in my judgment, the proper way of managing all these officers is not to attempt to make them salaried officers, but if the fees are too large, impose upon them a tax that will reduce them. In this manner you could get a profit into the treasury. I move to strike out those words, so that the clerk shall receive his fees as usual, and that the public treasury may not be burdened with a salary.

Mr. SPENCER. I move to postpone the further consideration of this report. I believe if there be any thing on which the people of the State have their mind fixed, it is to have all their offices elective. Another object was that there should be paid to the officers a fixed salary. Nothing was so odious to the people of Maryland as these tariffs of charges, and it is a thing which has kept up these extravagant charges. If you strike that down, and make the clerk's compensation a certain salary, the fee bills will be greatly reduced, and there will be no difficulty in carrying them into the treasury. I withdraw my motion.

The question then recurred on agreeing to the amendment of Mr. Brent.

Mr. SPENCER asked the yeas and nays, which were ordered.

Mr. BRENT. I suppose I have a right to modify my own proposition.

The PRESIDENT. The chair thinks not, after the question has been propounded and the yeas and nays ordered, unless by general acquiescence.

Mr. BRENT. I merely wished to strike out that part which relates to the salary, in order to settle the question as to the mode of election.

The question was then taken on the amendment of Mr. Brent, with the following result:

*Affirmative*—Messrs. Blakistone, Dent, Hopewell, Ricard, Lee, Chambers, of Kent, Mitchell, Wells, Howard, Lloyd, Dickinson, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Miller, Bowie, Tuck, Sprigg, McCubbin, Dirickson, McMaster, Jacobs, Thomas, Gaither, Biser, Annan, Gwinn, Brent, of Balt. city, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Waters, Anderson, Shower and Brown—45.

*Negative*—Messrs. Chapman, Pres't, Donaldson, Randall, Sellman, Buchanan, Spencer, George, Wright, Sappington, McHenry, Magraw Thawley, Stewart, of Balt. city, Sherwood, of Balt. city, Ware, Brewer, Weber, Fitzpatrick, Smith, Parke and Cockey—21.

So the amendment was adopted.

Mr. HOWARD moved to amend the amendment of Mr. Brent, by inserting, after the word "years," the words "and be removable by a unanimous vote of the court of appeals, in which case the governor shall appoint a time for the election of a successor."

Mr. H. said: I suppose it is hardly necessary

for me to explain my object in offering this amendment. I do not think we ought to appoint a clerk who is responsible to no one, and who can neglect his duty without being called to account by any one. I ask the yeas and nays on the adoption of the amendment.

The yeas and nays were not ordered.

Mr. BRENT, of Baltimore city. I move to postpone the further consideration of this subject, and I do it simply for the purpose of explaining why I shall vote against this amendment. I would rather take the vote by a test question upon my proposition in the form presented. If it should pass, it is a very easy thing, by supplementary provisions, to carry out this power of removal. If this amendment be adopted as an isolated question, it will afterwards affect the vote upon the whole proposition. I foresaw this thing, and did not propose to specify how the removal of this officer should take place, in case of death, resignation, or otherwise.

The question was then taken on the amendment of Mr. Howard, and it was agreed to.

The question then recurred on the substitute as amended.

Mr. CHAMBERS, of Kent, gave notice that on to-morrow morning, he should move to reconsider the vote upon the subject of representation.

Mr. Bowie hoped the motion would not be made to-morrow morning.

The question again recurred on agreeing to the substitute as amended.

Mr. JOHNSON. I move to postpone this subject, for the purpose of saying a few words. I have voted, and perhaps there may be many others who have been more radical reformers than myself in this Convention, to give the people the election of all of their officers. I am willing to repose with the people every office that their own judgment, their own sense of duty, dictates to them would promote their own entire interest. But the clerk of the court is a person so nearly allied with the administration of justice that nothing can more embarrass the proceedings of a court than to have an inferior clerk. I mean of a court of record, because I believe that all of our courts are courts of record, except our magistrates' courts, and I believe that even there there is an appeal to the higher courts. If there is one thing more than another which the people owe to themselves, it is that there should be an efficient officer, one who obeys the orders of the court, one who records the decrees of the court, one who is useful to the court, because, unless he is useful to the court, he cannot be useful to the people; and therefore, if there is any one office above all others that I would place in the hands of the judiciary, it is that they should select their own clerk, because they have a responsibility so high. We have given them high, immense duties; we have required them to discharge their duties with rapidity and quickness, and I ask, in the name of all that is serious, whether any court, with an inefficient clerk, can discharge all their duties with promptitude and dispatch? I think